IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 5065 of 1992

ALL RAJ. SAHAKARI BHOOMI VIKAS BANK EMP.
V/S
STATE & ORS.

Mr. MS SINGHVI & Mr. RAJAT DAVE, for the appellant / petitioner

Mr. NM LODHA AAG & Mr. SS LADRECHA A.G.A., for the respondents

Date of Order : 24.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The grievance of the petitioner is, that pursuant to Annexure 4 and 5, the services of the petitioners are likely to be terminated, and therefore, apprehending the injury, the present writ petition has been filed. Though in the form, the order of the Registrar Annexure-4 has been challenged, but then, in para-8 of the writ, it has been clearly pleaded, that the petitioner apprehend, that in pursuance of the above mentioned resolution, the respondent Bank may terminate the services, of two clerks, and three Class IV employees.

The impugned order of the Registrar is dated

22.1.1992, the report of the committee is dated 17.7.1992, and the writ petition has been filed on 18.9.1992. Initially vide order dt. 25.9.1992 show cause notice was issued making the rule returnable, and on the same day, in the stay application, it was directed, that services of the petitioner will not be terminated till next date. This interim order continued, and ultimately, on 13.10.1992, vide order drawn in the stay file, the writ petition was admitted, and the interim order was made absolute, by passing a fresh order, to the effect, that meanwhile petitioners no. 2 to 10 shall not be terminated on the basis of the impugned order challenged in the writ petition. A look at Annexure-4 shows, that it was passed on the basis of reported financial ill health of the Bank.

A reply had been filed on behalf of the Bank, interalia pointing out, that pursuant to Annexure-4 and 5, the services of one clerk and three peons only, were resolved to be terminated. However, it was also maintained, that while taking any action, the seniority will not only be taken into consideration, but seniority will be the main consideration. Likewise, it is also informed, that out of existing strength of clerks and peons, two persons have already been superannuated.

Thus, without going into the question, about

validity or otherwise of Annexures 4 and 5, in any case, the apprehension of removal was only with respect to two persons, while the petitioners are ten in number, and the petitioners have not made it clear by making reference to their seniority position or otherwise, as to how ten persons apprehend termination, consequent upon Annexures 4 and 5. Thus, on the face of it the apprehension of the petitioners is wholly misplaced.

That apart, in compliance of what transpired in the court on 19.4.2006, when the learned counsel for the parties, in view of the long passage of time of around 14 years during pendency of the writ, were directed to find out the latest prevailing factual position, and inform as to whether the writ any more survives, it is informed by the learned counsel for the Bank, Mr. Lodha, that with passage of time, the Bank does not intend to remove any of the petitioners, by taking any action in pursuance of Annexures 4 and 5.

That being the position, the controversy raised in the writ petition, remains only academic, which need not be gone into by this Court under Article 226. The writ petition is accordingly disposed of.

(N P GUPTA),J.

/Sushil/